

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**THE CITY OF HUNTINGTON,  
PLAINTIFF,**

**V.**

**CIVIL ACTION NO. 3:17-01362**

**AMERISOURCEBERGEN DRUG  
CORPORATION, ET AL.,  
DEFENDANTS.**

---

**CABELL COUNTY COMMISSION,  
PLAINTIFF,**

**V.**

**CIVIL ACTION NO. 3:17-01665**

**AMERISOURCEBERGEN DRUG  
CORPORATION, ET AL.,  
DEFENDANTS.**

**PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT REGARDING  
TRANSACTIONS REFLECTED IN PROCESSED ARCOS DATA**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs seek an order granting partial summary judgment and holding that the Automation of Reports and Consolidated Orders System (“ARCOS”) electronic data, received from the Drug Enforcement Administration (“DEA”) (“ARCOS Data”) and processed by Plaintiffs’ expert Dr. Craig J. McCann accurately reflects the shipments of opioid products reported to the DEA by DEA licensed wholesale distributors (“Processed ARCOS Data”).

In support of this motion, Plaintiffs submit Plaintiffs' Memorandum of Law and accompanying exhibits, which are being filed contemporaneously with this motion.

Dated: September 22, 2020

Respectfully submitted,

**THE CITY OF HUNTINGTON**

/s/ Anne McGinness Kearse

Anne McGinness Kearse

WVSB No. 12547

Joseph F. Rice

**MOTLEY RICE LLC**

28 BridgeSide Blvd.

Mount Pleasant, SC 29464

Tel: 843-216-9000

Fax: 843-216-9450

akearse@motleyrice.com

jrice@motleyrice.com

Linda Singer

David I. Ackerman

**MOTLEY RICE LLC**

401 9<sup>th</sup> Street NW, Suite 1001

Washington, DC 20004

Tel: 202-232-5504

Fax: 202-386-9622

lsinger@motleyrice.com

dackerman@motleyrice.com

Charles R. "Rusty" Webb

WV No. 4782

**THE WEBB LAW CENTRE**

716 Lee Street, East

Charleston, West Virginia 25301

Telephone: (304) 344-9322

Facsimile: (304) 344-1157

rusty@rustywebb.com

**CABELL COUNTY COMMISSION**

/s/ Paul T. Farrell, Jr.

Paul T. Farrell, Jr.

WVSB Bar No. 7443

**FARRELL LAW**

422 Ninth Street, 3rd Floor (25701)

PO Box 1180

Huntington, West Virginia 25714-1180

Mobile: 304-654-8281

paul@farrell.law

/s/ Anthony J. Majestro

Anthony J. Majestro

WVSB No. 5165

**POWELL & MAJESTRO, PLLC**

405 Capitol Street, Suite P-1200

Charleston, WV 25301

304-346-2889 / 304-346-2895 (f)

amajestro@powellmajestro.com

Michael A. Woelfel

WVSB No. 4106

**WOELFEL AND WOELFEL, LLP**

801 Eighth Street

Huntington, West Virginia 25701

Tel. 304.522.6249

Fax. 304.522.9282

mikewoelfel3@gmail.com

**CERTIFICATE OF SERVICE**

I certify that on September 22, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. This filing will also be served on all parties by email to [Track2OpioidDefendants@reedsmith.com](mailto:Track2OpioidDefendants@reedsmith.com), [MDL2804Discovery@motleyrice.com](mailto:MDL2804Discovery@motleyrice.com) and [CT2\\_Opioid\\_Team@mail-list.com](mailto:CT2_Opioid_Team@mail-list.com).

/s/ Anthony J. Majestro